

FISH & WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: February 13, 2019

Agenda Item: Fishing Access Site/Wildlife Management Area draft biennial rule

Division: Fisheries

Action Needed: Final

Time Needed on Agenda for this Presentation: 5 minutes

Background

The Fish & Wildlife Commission Commercial Use Permit Fee Rule sets the permit fees for commercial use occurring at fishing access sites, fish conservation areas, wildlife management areas, and FWP administrative sites. Changes were last made to the fee rule in 2017 and were specific to photographers and film crews.

Public Involvement Process & Results

The commission approved the commercial use permit fee rule for public comment at the December 10 meeting. The public comment period ran from December 14 to January 13. Four comments were received, and are summarized (along with a response from FWP) below:

Comment #1: The outfitters and guides need to pay more than \$100 per year for management of FAS sites. FWP response: Although the FAS permit fee is listed in the Commercial Use Fee Rule, it is only informational, and is formally established in the FAS biennial rule--the 2019/2020 version of which was just approved by the Commission in December 2018. That rule had no change to the \$100 permit fee. The commenter is encouraged to participate in the public comment process when the FAS rule is again up for consideration in the fall of 2020.

Comment #2: "Do the fees collected go into the general funds?" FWP response: The fees go into the General License Account, for the exclusive use of FWP, but not just for FAS maintenance.

Comment #3: "While I see this as a way to increase revenue to help manage our waters in Montana, I do not see any connection on how this helps alleviate the pressure on our more popular rivers and lakes. What is the end goal for charging this fee?" FWP response: The concept behind these fees is to help pay the maintenance costs associated with the commercial use. Tools for alleviating pressure are acquisition of more sites and/or administrative rulemaking to restrict activities of anglers and other water users.

Comment #4: The SRP fee has been raised to \$110, and this is not reflected in the fee table. FWP response: The SRP application fee is controlled by the BLM, not FWP, which is why it is not on the table. However, for clarity the SRP fee will be included in the table for the final rule.

Alternatives and Analysis

The commission could choose to adopt the fee schedule as recommended by the department or propose changes of their own. If changes are proposed, a new public comment period will be required.

Agency Recommendation & Rationale

FWP does not believe that the comments received warrant changes to the proposed rule, and therefore recommends that the commission adopt the commercial use permit biennial fee rule for 2019/2020 as proposed in December 2018, with the inclusion of the new SRP permit application fee.

Proposed Motion

I move that the commission adopt the commercial use fee rule as recommended by the department.